

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICHARD BRODY,

PLAINTIFF,

Index No.: 07 CIV 7981 (RJS)

vs

LORNA BRODY, ROBERT BRODY, EVELYN
BRODY, 466 BROOME STREET OF NEW YORK
CITY, INC.,

DEFENDANTS.
-----X

DEFENDANT ROBERT BRODY'S NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE THAT, upon the supporting Memorandum of Law, dated the 31st day of January, 2008; and upon all of the papers and proceedings herein, Defendant Robert Brody, by and through its undersigned counsel, will move this Court, pursuant to the Court's December 19, 2007 Scheduling Order (the "Order"), for an Order dismissing the Complaint of Plaintiff Richard Brody (the "Complaint"), with prejudice and without leave to amend, pursuant to Fed. R. Civ. P. 12(b)(6), for failure to state a claim upon which relief can be granted; and/or to dismiss the Complaint with prejudice and without leave to amend, pursuant to Fed. R. Civ. P. 9(b)

PLEASE TAKE FURTHER NOTICE THAT, pursuant to the Order, opposition papers, if any, must be served on or before March 3, 2008.

Respectfully submitted this 31st day of January, 2008.

LAZARUS & LAZARUS, P.C.
Attorneys for Defendant,
ROBERT BRODY

By: _____

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TO: SHEINDLIN & SULLIVAN, LLP.,
Attorneys for Plaintiff
350 Broadway, 10th Floor
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Attention: JOSEPH J. SULLIVAN III, ESQ.

- and -

RAND ROSENZWEIG RADLEY & GORDON, LLP.
800 Third Avenue, 26th Floor
New York, New York 10022
Attention: CHARLES ROSENZWEIG

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